



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

December 1-2, 2021

BOARD MEETING

Pursuant to Governor Steve Sisolak's Emergency Directive 044, the meeting can be listened to or viewed live over Zoom remotely or at the following location:

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, NV 89123

Via Videoconference at Zoom: <https://zoom.us/j/5886256671>

or

Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

Board Members Present:

Helen Park	Jade Jacobo	Krystal Freitas	Gener Tejero
Wayne Mitchell	Rolf Zakariassen	Richard Tomasso	

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Joe Dodge	Dena McClish	Darlene Nases
Courtney Lee	Leo Basch	Ken Scheuber	Luis Curras
Peter Keegan	Monica Segedy	Sophia Long	

President Park read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

Dave Wuest stated that this Board Meeting is being held over Zoom and is in compliance with the Governor's directive and Open Meeting Laws for Nevada.

1. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board members were present except Krystal Freitas and a quorum was established.

2. Public Comment December 1 2021, 9:00 AM

Jamie Cordova Hernandez commented that he was present in compliance with his Board Order.

Bret Whipple commented that he would prefer to go in the afternoon due to a scheduling conflict.

Mary Alyn Domondon commented that she was present for agenda item – 5H.

◆ CONSENT AGENDA ◆

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

3. Approval October 13-14, 2021 Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the October 13-14, 2021 Meeting Minutes.

Second: Wayne Mitchell

Action: Passed unanimously.

4. 4.1 Applications for Out-of-State Medical, Devices, Equipment and Gases License (NAC 639.6944) – Non-appearance (**FOR POSSIBLE ACTION**)

- A. Axonics, Inc. – Irvine, CA
- B. Karuna Labs, Inc – San Francisco, CA
- C. LifeNet Health – Virginia Beach, VA
- D. Lincare Inc. – St. George, UT
- E. Onestep Med LLC – Plainsboro, NJ

4.2 Applications for Out-of-State Wholesaler License (NRS 639.233) – Non-appearance (**FOR POSSIBLE ACTION**)

Background Check Not Required by Law.

4.2.1 Distributor for Single Manufacturer (NAC 639.593(7)(e))

4.2.2 Manufacturer (NAC 639.593(7)(d))

- F. Bausch & Lomb Americas Inc. – Bridgewater, NJ
- G. Hikma Specialty USA Inc. – Columbus, OH
- H. Medunik USA, Inc. – Rosemont, PA
- I. Nipro Medical Corporation – Miami, FL
- J. ONY Biotech Inc. – Amherst, NY
- K. Wellstat Therapeutics Corporation – Rockville, MD

4.2.3 Publicly Traded (NAC 639.593(7)(a))

- L. Heron Therapeutics, Inc. – San Diego, CA
- M. Stericycle, Inc. – Warren, OH

4.2.4 VAWD-Accredited (NAC 639.593(7)(c))

4.2.5 Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))

4.2.6 Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))

- N. Impel NeuroPharma, Inc. – Seattle, WA
- O. Masimo Corporation – Irvine, CA
- P. Novartis Gene Therapies, Inc. – Bannockburn, IL

4.2.6 Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))

4.2.7 **Background checks completed in compliance with NRS 639.500. No Disqualifying Events.**

- Q. P Camber Pharmaceuticals, Inc. – Piscataway, NJ
- R. Dockside Partners, LLC – Scottsville, KY

4.3 Application for Nevada Pharmacy License (NRS 639.230) – Non-appearance
(FOR POSSIBLE ACTION)

4.4 Application for Nevada Compounding Pharmacy License (NRS 639.230) – Non-appearance
(FOR POSSIBLE ACTION)

4.5 Application for Out-of-State Pharmacy License (NRS 639.2328) – Non-appearance
(FOR POSSIBLE ACTION)

- S. The Medicine Shoppe – Palm Springs, CA
- T. Roman Health Pharmacy LLC – Beaverton, OR

4.6 Application for Out-of-State Compounding Pharmacy License (NRS 639.230) – Non-appearance – **(FOR POSSIBLE ACTION)**

U. Apri Fertility Pharmacy – San Diego, CA

4.7 Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6942) – Non-appearance (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Consent Agenda.

Second: Jade Jacobo

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

5. Disciplinary hearings pursuant to NRS 639.247. (**FOR POSSIBLE ACTION**)

K. Dana Forte, DO	(18-118-CS-A-S)
L. Dominic Etli, APRN	(18-118-CS-B-S)

Dana Forte and Dominic Etli appeared and were sworn in by President Park prior to answering questions and testimony.

Crane Pomerantz appeared as counsel representing Ms. Forte and Mr. Etli.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Ms. Forte prescribing controlled substances while overseas for patients whom she did not have a bona fide therapeutic relationship. In addition, she aided and abetted Mr. Etli to unlawfully prescribe controlled substances on pre-signed prescription pads prior to being registered with the Nevada Board of Pharmacy.

Mr. Keegan provided the proposed Stipulation and Order for the Board's consideration.

Dana Forte, Certificate of Registration No. CS06451, stipulates to the following penalties: 1) the registration is suspended; the suspension is stayed and Ms. Forte is placed on probation for two years. Ms. Forte shall comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no new charges filed against her by the Board while on probation; 2) public reprimand; 3) Order constitutes discipline reportable to the National Practitioner Data Bank; 4) pay a fine of \$5,000; and 5) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter. Upon successful completion of probation, her license will be fully restored.

Dominic Etli, Certificate of Registration No. CS25965 and PR03064, stipulates to the following penalties: 1) the registration is suspended; the suspension is stayed and Mr. Etli is placed on probation for two years; 2) pay a fine of \$5,000; 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter. Upon successful completion of probation, his license will be fully restored.

Ms. Forte and Mr. Etli apologized to the Board for their mistakes.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Dana Forte and Dominic Etli as presented by Mr. Keegan.

Second: Wayne Mitchell

Action: Passed unanimously.

C. Jean-Marie Swaine, APRN

(19-237-CS-B-S)

Jean-Marie Swaine appeared and was sworn in by President Park prior to answering questions and testimony.

Brett Kandt made an opening statement noting that the Board on October 13 approved stipulations with the other two respondents in this case, Dr. Kolade and APRN Olubajo. Ms. Swaine is alleged to have unlawfully issued controlled substance prescriptions under Dr. Kolade's name and credentials while he was out of the United States.

Mr. Kandt presented a proposed stipulation and order on pages 705-709.

Jean-Marie Swaine, Certificate of Registration No. CS24065, stipulates to the following penalties: the registration is suspended; the suspension is stayed and Ms. Swaine is placed on probation for one year subject to the following conditions: 1) public reprimand; 2) fine of \$1,000; 3) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) shall comply with all federal and statutes and regulations regarding controlled substances and dangerous drugs, and 5) respondent shall have no new charges filed against her by the Board while on probation.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the proposed stipulation and order for Jean-Marie Swaine.

Second: Jade Jacobo

Action: Passed unanimously.

F. Omnicare of Las Vegas
G. Uri Assa Krutilin, RPH

(18-052-PH-S)
(18-052-RPH-S)

Rolf Zakariassen recused himself due to his employment and affiliation with Omnicare.

Brian Convery, Representative of Omnicare of Las Vegas (“Omnicare”), appeared and was sworn in by President Park prior to answering questions and testimony.

Uri Assa Krutilin (“Assa Krutilin”) was not present for the hearing.

Courtney Lee, General Counsel for the Nevada Board of Pharmacy, prosecuted the case which involved Mr. Assa Krutilin, managing pharmacist of Omnicare, exceeding the pharmacist to pharmaceutical technician ratios at Omnicare. In addition, Mr. Assa Krutilin did not properly document his own hours at the pharmacy.

As Mr. Assa Krutilin was not present, Ms. Lee proceeded to enter a default against Mr. Assa Krutilin and offered proof of service.

Ms. Lee called Shirley Hunting as a witness.

Shirley Hunting, Board Coordinator for the Nevada Board of Pharmacy, appeared and was sworn in by President Park prior to answering questions and testimony.

Ms. Lee questioned Ms. Hunting on her position and the details regarding her serving Mr. Krutilin with the Notice of Intended Action and Accusation.

Ms. Hunting answered questions to the Board’s satisfaction.

Ms. Lee called Kristopher Mangosing as a witness.

Kristopher Mangosing, Assistant Board Coordinator for the Nevada Board of Pharmacy, appeared and was sworn in by President Park prior to answering questions and testimony.

Ms. Lee questioned Mr. Mangosing about his position and the details regarding sending out the 21-day notice to Mr. Assa Krutilin.

Mr. Mangosing answered questions to the Board’s satisfaction.

Ms. Lee requested that the proofs of service – the certificate of service of the Notice of Intended Action and Accusation, and 21-day notice served be collectively admitted as Exhibit 1.

President Park entered into the record as Exhibit 1.

Ms. Lee provided the proposed Stipulation and Order for the Board's consideration as to Omnicare only.

Omnicare Las Vegas License No. PHC01949 stipulates to the following penalties: 1) public reprimand; 2) a fine of \$2,600; 3) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) re-train employees regarding pharmacist/pharmaceutical technician ratios in compliance with federal and state law within 30 days of the Order.

Mr. Convery commented that the issue was with Mr. Assa Krutilin who was not aware of the law. Omnicare has policies in place to ensure that they are compliant, and they already presented and implemented an action plan at the pharmacy.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Omnicare of Las Vegas License No. PHC01949.

Second: President Park

Action: Passed unanimously (Zakariassen recused).

Ms. Lee continued to prosecute the case regarding Mr. Assa Krutilin's Certificate of Registration No. 18266.

Ms. Lee requested that the Board move to make jurisdiction consistent with paragraph 1 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to make jurisdiction consistent with paragraph 1 of the Notice of Intended Action and Accusation as proposed by Ms. Lee.

Second: Richard Tomasso

Action: Passed unanimously.

Ms. Lee requested the Board to make the Findings of Fact consistent with paragraphs 2-6 of the Noticed of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraph 2-6 of the Notice of Intended Action and Accusation as proposed by Ms. Lee.

Second: Richard Tomasso

Action: Passed unanimously (Zakariassen recused).

Ms. Lee requested the Board to make the Conclusions of Law consistent with paragraphs 7-16 of the Noticed of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraph 7-16 of the Notice of Intended Action and Accusation as proposed by Ms. Lee.

Second: Richard Tomasso

Action: Passed unanimously (Zakariassen recused).

Ms. Lee requested President Park admit the attorney's fees and investigative costs as Exhibit 2.

President Park admitted into the record the attorney's fees and cost as Exhibit 2.

Ms. Lee requested that the Board find the attorney's fees and costs of \$749 were reasonable, necessary and actually incurred.

Board Action:

Motion: Jade Jacobo moved to award the attorney's fees and costs of a \$749 on the basis that they were reasonable, necessary and actually incurred.

Second: Richard Tomasso

Action: Passed unanimously (Zakariassen recused).

Ms. Lee recommended the proposed discipline for Mr. Krutilin. The penalties would include the following: 1) public reprimand; 2) a fine of \$1,300 within 30 days of the Order; 3) pay \$749 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter within 30 days of the Order; and 4) discipline will be reportable to National Practitioner Data Bank.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve the proposed discipline as presented by Ms. Lee.

Second: Jade Jacobo

Action: Passed unanimously (Zakariassen recused).

Krystal Freitas was present for the Board Meeting at 9:41 AM.

- A. Nathan Dahl, RPH (21-069-RPH-N)
- B. Dahl's Specialty Pharmacy of Carson (21-069-PH-N)

Bill Stilling appeared as counsel on behalf of Nathan Dahl.

Nathan Dahl appeared and was sworn in by President Park prior to answering questions and testimony.

Gener Tejero disclosed that he has a business relationship with Mr. Stilling but stated that he could participate in this matter fairly and without bias.

Mr. Kandt made an opening statement on the charges Mr. Dahl incorrectly compounded a drug product which may have resulted in patient harm and then made misrepresentations in the course of the Board investigation.

The parties requested that the following documents to be entered into the record by stipulation: 1) "Stipulated Facts" as Exhibit 1; 2) documents bated-stamped 001-052 as Exhibit 2; and 3) an email exchange between Mr. Dahl and Colin Brumlow at Eagle Analytical Services as Exhibit 3. Mr. Kandt also noted Exhibit A to the Respondent's Answer and Notice of Defense at pages 671-674, an email exchange between Mr. Dahl and Michael Darnaby at ARL Bio Pharma, was also part of the record.

President Park admitted Exhibits 1-3 into evidence.

Mr. Kandt called Monica Segedy, Board investigator, as a witness.

Monica Segedy appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt examined Ms. Segedy on Exhibit 2 and the investigation. Mr. Stilling cross-examined Ms. Segedy.

Mr. Kandt called Christy Welch as a witness.

Christy Welch appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt examined Ms. Welch on her mother's medical condition and her complaint to the Board that initiated the investigation. Mr. Stilling cross-examined Ms. Welch, and the Board questioned Ms. Welch.

Mr. Stilling requested a closed session pursuant to NRS 241.030.

Board Action:

Motion: President Park moved to go into closed session.

Second: Rolf Zakariassen

Sophia Long requested an amended motion pursuant to NRS 241.030(1)(a).

Board Action:

Motion: President Park moved to go into closed session to consider Nathan Dahl pursuant to NRS 241.030(1)(a).

Second: Rolf Zakariassen

Action: Passed unanimously.

The Board went into a closed session to consider Nathan Dahl pursuant to NRS 241.030(1)(a).

Board Action:

Motion: President Park moved to end the closed session and return to a public meeting.

Second: Jade Jacobo

Action: Passed unanimously.

The Board returned to a public meeting.

Mr. Stilling called Nathan Dahl as a witness.

Mr. Stilling examined Mr. Dahl. Mr. Kandt cross-examined Mr. Dahl, and the Board questioned Mr. Dahl.

Mr. Stilling conducted a redirect examination of Mr. Dahl, and on recross examination Mr. Kandt requested a voicemail that Mr. Dahl left for Ms. Welch be played.

Mr. Stilling objected to the voicemail being played on the basis that its probative value is substantially outweighed by a danger of unfair prejudice, and that it is a needless presentation of cumulative evidence already set forth in the Stipulated Facts, Exhibit 1.

President Park overruled the objection.

Mr. Kandt recross-examined Mr. Dahl on the voicemail and requested that it be entered into the record as Exhibit 4.

President Park admitted Exhibit 4 into evidence.

Board discussion ensued.

Dave Wuest appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background regarding the drug testing done by Board staff on the mis-compounded drug.

Mr. Stilling requested that the Board dismiss the second cause of action for Mr. Dahl as his actions were not willful, and allow him to continue working as a pharmacist.

Mr. Kandt would like the Board to consider only the first and third causes of action as he will return to the second cause of action later.

Mr. Kandt requested the Board to make findings of fact consistent with the 17 paragraphs in the Stipulated Facts, Exhibit 1.

Board Action:

Motion: Wayne Mitchell moved to make findings of fact consistent with the 17 paragraphs in the Stipulated Facts, Exhibit 1.

Second: Richard Tomasso

Action: Passed unanimously.

Mr. Kandt requested the Board make conclusions of law consistent with the first and third causes of action in the Notice of Intended Action and Accusation and find Mr. Dahl guilty.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find Nathan Dahl guilty for the first and third cause of action, paragraphs 25-29 and 33-34 in the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Kandt requested that the Board determine if the evidence supports the charge that Mr. Dahl willfully made false statements in the course of the investigation.

Mr. Stilling requested that the Board find Mr. Dahl not guilty of the second cause of action.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make findings of fact and conclusions of law consistent with the first, second, and third causes of action in the Notice of Intended Action and Accusation.

Second: Richard Tomasso

Jade Jacobo and Richard Tomasso withdrew their motion.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 11, 13, 14, 15, and 16 in the Notice of Intended Action and Accusation.

Second: Richard Tomasso

Gener Tejero commented that paragraphs 15-16 were not misrepresented by Mr. Dahl. He requests Board to consider only paragraphs 11, 13, and 14.

Board discussion ensued.

Aye: Jacobo, Park, Zakariassen, Mitchell, Tomasso, Freitas
Nay: Tejero

Action: Motion carries.

Mr. Kandt requested that the Board determine if Mr. Dahl is guilty of the second cause of action in the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to find Nathan Dahl guilty of the second cause of action, paragraphs 30-32 in the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Aye: Jacobo, Park, Zakariassen, Mitchell, Tomasso, Freitas

Nay: Tejero

Action: Motion carries.

Mr. Kandt provided documentation of attorney's fees and costs totaling \$7,864.75 and requested that it be entered into evidence as Exhibit 5. Mr. Stilling requested that the Board split the laboratory testing for the mis-compounded drugs.

President Park admitted the documentation of attorney's fees and costs into evidence as Exhibit 5 and requested that the Board find that the attorney's fees and costs of \$7,864.75 were reasonable, necessary, and actually incurred.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to award the attorney's fees and costs of a \$7,864.75 on the basis that they were reasonable, necessary and actually incurred.

Second: Jade Jacobo

Action: Passed unanimously.

Mr. Kandt did not have any recommendations regarding the discipline for Mr. Dahl.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to revoke Certificate of Registration No. 17735 effective immediately. The revocation is stayed and respondent is placed on probation for 5 years subject to the following conditions: 1)he may not own a pharmacy or work as a managing pharmacist; 2) he may not compound drugs unless he petitions the Board for authority to compound; 3) he must complete a positive mental health evaluation approved by the Board before he can practice pharmacy; 4) he must complete an extra two hours of continuing education (CE) regarding ethics; 5) he must pay a fine of \$5,000 within 60 days; 6) he

must pay \$7,864.75 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter within 60 days.

Second: Rolf Zakariassen

Action: Passed unanimously.

H. Stephen Dubin, MD

(20-020-CS-S)

Crane Pomerantz and Nadia Ahmed appeared as counsel on behalf of Stephen Dubin.

Dr. Stephen Dubin appeared and was sworn in by President Park prior to answering questions and testimony.

Ms. Lee prosecuted the case where Dr. Dubin unlawfully prescribed controlled substances and did not follow the law regarding emergency CII prescriptions. Dr. Dubin permitted staff to telephone controlled substances while he was out of the country.

Mr. Pomerantz commented that Dr. Dubin was not aware of his staff's actions, and did not authorize the controlled substance prescriptions.

Ms. Lee presented the stipulated facts on page 772-774 into the record and the stipulated exhibits 1-4 on page 776-793 of the board book.

Ms. Lee commented that Ma Lourdes Jauregui was unable to make the Board Meeting. Therefore, she requested President Park to admit Ms. Jauregui's declaration, Bate stamped Dubin0002-0004 as Exhibit 5.

President Park admitted into the record Exhibit 5.

Ms. Lee called Dena McClish as a witness.

Dena McClish, Nevada Board of Pharmacy Investigator, appeared and was sworn in by President Park prior to answering questions and testimony.

Ms. Lee requested President Park to enter the following exhibits into the record: 1) redacted relevant medical and billing records for patient A.D. from Jireh Healthcare Bate stamped Dubin0007-0054 as Exhibit 6; 2) redacted relevant medical and billing records for patient M.G. from Jireh Healthcare Bate stamped Dubin0055-0094 as Exhibit 7; 3) redacted relevant medical and billing records for patient M.H. from Jireh Healthcare Bate stamped Dubin0095-0162 as Exhibit 8; 4) redacted, previously subpoenaed, relevant portion of medical records for patient M.H. from Jireh Healthcare Bate stamped Dubin0164-0166 as Exhibit 9; 10) redacted relevant medical and billing records for patient D.B. from Jireh Healthcare Bate stamped Dubin0167-0182 as Exhibit 10.

President Park admitted Exhibits 6-10 into the record.

Ms. Lee and Ms. Ahmed questioned Ms. McClish.

Ms. McClish answered questions to the Board's satisfaction.

Ms. Lee called Mary Alyn Domondon as a witness.

Ms. Domondon, Administrator for Jireh Healthcare, appeared and was sworn in by President Park prior to answering questions and testimony.

Ms. Lee questioned Ms. Domondon.

Ms. Domondon answered questions to the Board's satisfaction.

Due to the time constraints, the Board continued this hearing to a future Board Meeting.

I. James Forsythe, MD, HMD

(19-114-CS-N)

This matter was continued to a future Board Meeting.

7. Petition for Reconsideration of Denial of Controlled Substance Registration pursuant to NRS 639.139. **(FOR POSSIBLE ACTION)**

Victor Bruce, MD

Victor Bruce appeared and was sworn in by President Park prior to answering questions and testimony.

John Hunt appeared as counsel on behalf of Dr. Victor Bruce.

Mr. Kandt provided background regarding Dr. Bruce appealing the Board's denial of his application for a controlled substance registration.

Mr. Hunt requested the Board to reconsider the decision on Dr. Bruce's controlled substance registration on the basis that all relevant information was not considered.

Mr. Hunt questioned Dr. Bruce on current status of his license to practice medicine.

Mr. Hunt commented to the Board that he completed the conditions of his probation, completed a three-day evaluation, and had a hearing with the Nevada State Board of Medical Examiners which deemed him fit to practice. The Board did not consider all this information before denying Dr. Bruce's application for a controlled substance registration.

Mr. Kandt commented that the Nevada State Board of Pharmacy has the sole authority to approve or deny a registration, and NRS 453.231(1)(b) and (d) specify that compliance with

state law that convictions of the applicant pursuant to federal or state laws relating to a controlled substance are each a basis for denying a registration.

Mr. Wuest commented that Dr. Bruce's three-day evaluation was not provided to the Board.

Board discussion ensued.

Mr. Kandt commented that often applicants petitioning for reinstatement propose that their registration be restricted to a limited list of controlled substances.

Mr. Hunt represented he would provide Dr. Bruce's evaluation and a proposed list of controlled substances to Board staff.

Mr. Wuest recommended that the Board table the petition to a future meeting so that they can submit those documents.

President Park offered Mr. Hunt the option to table Dr. Bruce's petition.

President Park tabled application at Mr. Hunt's request.

5. Disciplinary hearings pursuant to NRS 639.247. **(FOR POSSIBLE ACTION)**

- | | |
|---------------------------------------|-----------------|
| D. Nevada Health Rx, Inc. dba Prax-Rx | (18-043-PH-S) |
| E. Scot Silber, RPH | (18-043-RPH-S) |
| J. Kinex Medical Company, LLC | (21-039-MP-S) |
| M. Abdel M. Khalek, MD | (19-003-CS-A-S) |
| N. Robert Chancellor, MD | (19-003-CS-B-S) |
| O. Lindsay Hoffman, PA-C | (19-003-CS-C-S) |

These matters were continued to a future Board Meeting.

6. Appeal hearing pursuant to NRS 639.2895(2) **(FOR POSSIBLE ACTION)**

- | | |
|-------------------------------------|-------------------------|
| A. Vinay Bararia | (19-003-S) |
| B. Sandra Bledsoe, D/B/A VIP Faces | (21-042-S) |
| C. Sandra Bledsoe, D/B/A Revenge MD | (21-042-B-S/21-042-C-S) |

These matters were continued to a future Board Meeting.

Public Comment December 2 2021, 5:00 PM

Brett Whipple's case was continued to a future Board Meeting.

Board Members Present:

Helen Park

Jade Jacobo

Krystal Freitas

Gener Tejero

Wayne Mitchell Rolf Zakariassen Richard Tomasso

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Joe Dodge	Dena McClish	Darlene Nases
Courtney Lee	Leo Basch	Ken Scheuber	Luis Curras
Peter Keegan	Christian Schonlau		

President Park read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

Dave Wuest stated that this Board Meeting is being held over Zoom and is in compliance with the Governor's directive and Open Meeting Laws for Nevada.

4. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board members were present and a quorum was established.

5. Public Comment December 2 2021, 9:00 AM

There was no public comment.

◆ WORKSHOP ◆

Thursday December 2, 2021 – 9:00 am

23. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2)
(FOR POSSIBLE ACTION):

B. Amendment of Nevada Administrative Code (NAC) 639: The proposed amendments impose limitations concerning the dispensing, selling, supplying, furnishing and administration of certain compounded drugs; requiring outsourcing facilities to establish policies and procedures.
(LCB File R002-21)

Mr. Wuest provided background on proposed amendment.

Written public comment was provided to the Board.

Mr. Wuest requested the Board to table the public hearing as they are still waiting for a response from the Food and Drug Administration (FDA).

President Park tabled the public hearing at Mr. Wuest request.

22. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)
(FOR POSSIBLE ACTION):

B. Amendment of Nevada Administrative Code (NAC) 639.360. The proposed amendment to NAC 639.360 will allow an accredited school or college of pharmacy located in Nevada to offer a course of continuing education, along with the designated number of units of continuing education, without submission to the Board for approval.

Mr. Wuest provided background on proposed amendment.

Ms. Lee read the proposed changes into the record.

President Park opened public comment for this workshop.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt proposed language for Amendment of Nevada Administrative Code (NAC) 639.360 moved forward to public hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

A. Amendment of Nevada Administrative Code (NAC 639). The proposed amendments will add a new section to implement the provisions of Assembly Bill 177 requiring the Board to adopt regulations that establish requirements for certain pharmacies to provide certain information regarding a prescription in English and another language upon the request of a prescribing practitioner, a patient or an authorized representative of a patient.

Yenh Long, Nevada Board of Pharmacy Deputy Secretary, provided background on proposed amendment.

President Park opened public comment for this workshop.

Liz McMenamin from Retail Association of Nevada is in support of the proposed language.

Kate Newhall requested to attach instructions on the bottle regardless of the language.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt proposed language for Amendment of Nevada Administrative Code (NAC 639) move forward to public hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

23. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2)
(FOR POSSIBLE ACTION):

A. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I. The proposed amendment to NAC 453.510 will add certain benzodiazepines and fentanyl related substances to the controlled substances listed in Schedule 1.
(LCB File R023-21)

Ms. Long provided background on proposed amendment.

President Park opened public comment for this public hearing.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt proposed language for Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I.

Second: Krystal Freitas

Action: Passed unanimously.

16. Applications for Out-of-State Wholesaler License (NRS 639.233)
– Appearance **(FOR POSSIBLE ACTION)**

- D. VGM Group, Inc. – Waterloo, IA – Background Check completed in compliance with NRS 639.500 – Disqualifying Events – Disclosure
- E. VGM Group, Inc. – Phoenix, AZ - Background Check completed in compliance with NRS 639.500 – No Disqualifying Events – Disclosure
- F. VGM Group, Inc. – Nashville, TN – Background Check completed in compliance with NRS 639.500 – No Disqualifying Events - Disclosure

Zach Garrigus (Vice President of Operations), Mark Kern (Compliance Manager), and Renee Stephens (Vice President of Support Services) appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Keegan requested a Letter of Authorization for all three representatives to speak on behalf of the company.

Mr. Keegan provided background on VGM's Waterloo application and their disclosures regarding a DUI for Mr. Garrigus and an administrative fine for operating without a third-party logistics (3PL) license.

Mr. Keegan requested an updated certificate of good standing and 3PL license for the Waterloo location as the documentation provided is outdated.

Mr. Keegan clarified to the Board that VGM's Phoenix and Nashville location have the same background information as the Waterloo location. The only thing that he is requesting from the Phoenix location is to provide an updated wholesaler registration since it expired.

Mr. Keegan questioned VGM on their disclosures and business model.

VGM answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve VGM Group's Waterloo application pending updated 3PL license and certificate of good standing, VGM Group's Phoenix location pending updated wholesaler registration, and VGM Group's Nashville location.

Second: Jade Jacobo

Action: Passed unanimously.

17. Applications for Nevada Wholesaler License (NRS 639.233) – Appearance (**FOR POSSIBLE ACTION**)

B. NDC Homecare, LLC – North Las Vegas, NV – Background Check completed in compliance with NRS 639.500 – Disqualifying Events - Disclosure

Mark Seitz, Chief Executive Officer, and Tammy Beasley, Senior Compliance Manager, appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on application and Mr. Seitz disclosure regarding a DUI.

Mr. Seitz provided further clarification of what occurred with his DUI and explained that he has other locations licensed with the Board and has been doing business in Nevada for many years.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve wholesaler license for NDC Homecare, LLC.

Second: Rolf Zakariassen

Ms. Long requested that a favorable pending inspection is needed.

The Board amended their motion.

Board Action:

Motion: Jade Jacobo moved to approve wholesaler license for NDC Homecare, LLC pending favorable inspection.

Second: Rolf Zakariassen

Action: Passed unanimously.

16. Applications for Out-of-State Wholesaler License (NRS 639.233)
– Appearance (**FOR POSSIBLE ACTION**)

B. Cardinal Health – Roanoke, TX – Background Check Not Required – Publicly Traded (NAC 639.593(7)(a)) – Disclosure

Cynthia Rhodes, Licensing Manager, and Julie Webb, Vice President of Medical Distribution, appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on application and their disclosures regarding DEA issues and reciprocal discipline from other states.

Ms. Webb commented that this location is now VAWD accredited as it was not at the time of submitting the application.

Board Action:

Motion: Rolf Zakariassen moved to approve out-of-state wholesaler license for Cardinal Health pending VAWD accreditation.

Second: Jade Jacobo

Action: Passed unanimously.

C. Nortru LLC – Detroit, MI – Background Check completed in compliance with NRS 639.500 – No Disqualifying Events - Disclosure

Wade Scheel (Director of Governmental Affairs), Melanie Frohriep (Facilities Manager), and Jeffrey Davis (Director of Compliance) appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on application.

The Board questioned Mr. Scheel about the business model and disclosures.

Mr. Scheel answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state wholesaler license for Nortru LLC.

Second: Krystal Freitas

Action: Passed unanimously.

13. Applications for Out-of-State Pharmacy License (NRS 639.2328) – Appearance (**FOR POSSIBLE ACTION**)

- A. Amazon Pharmacy #005 - Kent, WA
- B. Amazon Pharmacy #006 – Indianapolis, IN
- C. Amazon Pharmacy #007 – Meridian, ID

These matters were continued to a future Board Meeting.

D. Hy-Vee Mail Order – Des Moines, IA

Jared Crumly, Pharmacy Manager, appeared and was sworn in by President Park prior to answering questions and testimony.

Ms. Long provided background on application and requested more information regarding the disclosures listed.

Mr. Crumly provided clarification on disclosures relating to citations and discipline taken on other Hy-Vee pharmacies not specific to this location.

The Board questioned Mr. Crumly on the business model.

Mr. Crumly answered questions to the Board's satisfaction.

The Board requested a Letter of Authorization for Mr. Crumbly to speak on behalf of the company.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state pharmacy license for Hy-Vee Mail Order pending Letter of Authorization.

Second: Rolf Zakariassen

Action: Passed unanimously.

11. Application for Nevada Pharmacy License (NRS 639.230)
– Appearance (**FOR POSSIBLE ACTION**)

Complete Care Pharmacy – Las Vegas, NV

This matter was continued to a future Board Meeting.

14. Application for Out-of-State Compounding Pharmacy License (NRS 639.230) –
Appearance – (**FOR POSSIBLE ACTION**)

Superior Compounding Pharmacy – Plymouth, MI

Eava Sokana (Office Manager), Alex Petrovici (Managing Pharmacist), and Ryan Alexia (Compliance Manager) appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Wuest wanted clarification on if they plan to ship sterile products into Nevada and would like the affidavit removed.

Mr. Petrovici confirmed that they plan to ship sterile products into Nevada, so the affidavit was removed from the application.

The Board questioned the pharmacy on their business model.

Mr. Alexia and Mr. Petrovici answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy license for Superior Compounding Pharmacy.

Second: Rolf Zakariassen

Gener Tejero offered a friendly amendment that the pharmacy needs to provide their NABP inspection.

Jade Jacobo amended the motion.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy license for Superior Compounding Pharmacy pending receipt of NABP inspection.

Second: Rolf Zakariassen

Action: Passed unanimously.

21. Executive Secretary Report:

- A. Financial Report
- B. Issuance of Temporary Licenses and Registrations
- C. Change of Address Business List
- D. Meetings with Other Health Care Regulatory Boards
- E. COVID-19 Response
- F. Licensing Software Update
- G. Licensing Activities Report
- H. PMP Integration

Mr. Wuest provided Executive Secretary Report to the Board's satisfaction.

Christian Schonlau, Nevada Board of Pharmacy Chief Financial Officer, provided the financial report to the Board's satisfaction.

Board discussion ensued.

20. General Counsel Report. Note: The Board may exclude the public for a report on potential or existing litigation pursuant to NRS 241.015(3)(b)(2).

General Counsel had no items to report for this matter.

16. Applications for Out-of-State Wholesaler License (NRS 639.233)
– Appearance (**FOR POSSIBLE ACTION**)

- A. Atrium Medical Corporation – Merrimack, NH – Background Check Not Required - Manufacturer (NAC 639.593(7)(d)) – Disclosure

No representative was present on behalf of Atrium Medical Corporation.

This matter was continued to a future Board Meeting.

- 8. Application for Pharmacist Registration Renewal (NRS 639.127) – Appearance. **(FOR POSSIBLE ACTION)**

- A. David England

David England appeared and was sworn in by President Park prior to answering questions and testimony.

Mr. Wuest provided background on appearance.

Mr. England explained what events occurred with his disclosure on his renewal application regarding compliance issues and compounding without a DEA license.

Board discussion ensued.

- 12. Application for Nevada Compounding Pharmacy License (NRS 639.230) – Appearance **(FOR POSSIBLE ACTION)**

First Choice Pharmacy, LLC – Las Vegas, NV

Zunera Nasim (Co-Owner), Hamid Djam (Co-Owner), and Sima Moghadam (Managing Pharmacist) appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Wuest provided background on application.

The Board questioned Ms. Moghadam on her work experience, how she knows the owners, and the pharmacy’s business model and past discipline.

Mr. Djam and Ms. Moghadam answered questions to the Board’s satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve compounding pharmacy license for First Choice Pharmacy, LLC pending favorable inspection.

Second: Richard Tomasso

Action: Passed unanimously.

15. Applications for Out-of-State Medical, Devices, Equipment and Gases License (NAC 639.6944) – Appearance (**FOR POSSIBLE ACTION**)

BioWave Corporation – Norwalk, CT

Brad Siff (President), Renee Cody (Director of Reimbursement), and Will Seely (Vice President of Operations) appeared and were sworn in by President Park prior to answering questions and testimony.

Ms. Long provided background on the application and their disclosure.

The Board questioned about the business model, their disclosure, and who customers can call if they have issues.

Ms. Long questioned Ms. Cody on work history and her qualifications.

Mr. Siff answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state medical, devices, equipment and gases license for BioWave Corporation.

Second: Richard Tomasso

Action: Passed unanimously.

18. Discussion on audit by Eide Bailly LLP pursuant to NRS 218G.400 for fiscal year ending June 30, 2021.

Beth Farley from Eide Bailly provided audit findings to the Board's satisfaction.

Board discussion ensued.

19. Discussion and Possible Action on Adoption of Emergency Regulation pursuant to NRS 233B.0613 to authorize pharmacists and other healthcare professionals to dispense oral medications for the treatment of COVID-19 subject to certain conditions. (**FOR POSSIBLE ACTION**)

This matter was continued to a future Board Meeting.

17. Applications for Nevada Wholesaler License (NRS 639.233) – Appearance (**FOR POSSIBLE ACTION**)

- A. The Dentists Supply Company (TDSC) – Reno, NV - Background Check completed in compliance with NRS 639.500 – No Disqualifying Events – Disclosure

Burke Spielman, General Manager, and Kent Bauman, Associate Compliance and Operations Manager, appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on application and their disclosures.

The Board questioned TDSC about their business model and any current legal proceedings.

Mr. Spielman answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve wholesaler license for The Dentists Supply Company pending favorable inspection.

Second: Rolf Zakariassen

Action: Passed unanimously.

9. Applications for Pharmaceutical Technician in Training Registration (NAC 639.242) – Appearance. (**FOR POSSIBLE ACTION**)

- A. Abigail Martinez

Abigail Martinez appeared and was sworn in by President Park prior to answering questions and testimony.

Rolf Zakariassen disclosed that he was the managing pharmacist at the store Ms. Martinez is applying to but stated that he could participate in this matter fairly and without bias.

Mr. Keegan provided background on application and disclosure regarding a pending charge of domestic and substance abuse.

Ms. Martinez further clarified the events that occurred with her disclosure to the Board.

The Board questioned Ms. Martinez on why she wants to be a pharmacy technician, if she still drinks, if she disclosed this matter to the pharmacy, and if the pharmacy will still hire her.

Ms. Martinez answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmaceutical Technician in Training registration for Abigail Martinez effective immediately, with the condition to provide a favorable January 2022 evaluation. If the evaluation is unfavorable, Ms. Martinez would need to surrender her registration and appear in front of the Board.

Ms. Martinez agreed to condition.

Second: Rolf Zakariassen

Action: Passed unanimously.

8. Application for Pharmacist Registration Renewal (NRS 639.127) – Appearance.
(FOR POSSIBLE ACTION)

B. Timothy Walsh

Timothy Walsh appeared and was sworn in by President Park prior to answering questions and testimony.

Mr. Wuest provided background on appearance.

Mr. Walsh provided background on disclosure regarding pharmacy using beyond use dates for sterile compounding preparations.

Mr. Walsh commented that he is licensed in California but wants to maintain his license in Nevada.

Board discussion ensued.

9. Applications for Pharmaceutical Technician in Training Registration (NAC 639.242) – Appearance. **(FOR POSSIBLE ACTION)**

B. Jerissa Williams

Jerissa Williams appeared and was sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on appearance regarding Ms. Williams failing a random drug test for her Pharmacy Technician program.

The Board questioned Ms. Williams on if she knew the rules of the program, why she wants to be a pharmacy technician, and if she knows why positive drug test are concerning for a pharmacy.

Ms. Williams answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmaceutical Technician in Training registration for Jerissa Williams with conditions that she undergo monthly drug testing and counseling for one year from when she resumes her pharmacy technician program and passes the monthly drug test.

Second: Krystal Freitas

Action: Passed unanimously.

10. Application for Pharmacist Registration by Reciprocity (NRS 639.134) – Appearance **(FOR POSSIBLE ACTION)**

A. Joseph Cherian

Joseph Cherian appeared and was sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on Mr. Cherian's disclosures regarding administrative action in California due to inaccurate inventory of drugs, buying medication from another pharmacy, and filling controlled substances without the proper security protocols.

The Board commented that one of his disclosures is still a pending accusation.

Mr. Cherian commented that a Stipulation with California occurred recently and offered to send documentation over to Board staff.

The Board questioned Mr. Cherian on his responsibilities as the managing pharmacist and why he wants to move to Nevada.

Board discussion ensued.

President Park offered the option to Mr. Cherian on if he would like to table his application so that he can provide the legal proceedings to Board staff.

Mr. Cherian agreed.

President Park tabled application at Mr. Cherian's request.

C. Jill Smith

Jill Smith appeared and was sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on Ms. Smith's disclosure regarding a DUI.

Ms. Smith further clarified the events that occurred with her disclosure to the Board. She stated that she has complied with all her orders and has no other issues.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmacist Registration by Reciprocity for Jill Smith.

Second: Krystal Freitas

Action: Passed unanimously.

D. Reed Smith

Reed Smith appeared and was sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on Mr. Smith's disclosure regarding a DUI.

Mr. Smith further clarified that his DUI really changed him, and he enrolled in a recovery program.

The Board questioned Mr. Smith on what changes occurred since the DUI, where he is currently licensed, and when his conditions of his licensure in Kentucky will be completed.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmacist Registration by Reciprocity for Reed Smith with conditions that he continues and completes his terms with the Kentucky Pharmacy Board.

Second: Rolf Zakariassen

Action: Passed unanimously.

B. Jiten Sidhu
E. Linda Trinh

Jiten Sidhu and Linda Trinh appeared and were sworn in by President Park prior to answering questions and testimony.

Mr. Keegan provided background on both applicants' disclosure relating to Mr. Sidhu prescribing medication under Ms. Trinh credentials and filling it at the pharmacy. Both applicants are currently under probation in Arizona.

Ms. Trinh has reciprocating discipline in California due to this disclosure which she has completed the terms of the Order.

The Board questioned Ms. Trinh and Mr. Sidhu on the events that occurred, how they have changed since the incident, and what are their plans in Nevada.

Ms. Trinh and Mr. Sidhu answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmacist Registration by Reciprocity for Linda Trinh and Jiten Sidhu with conditions that they continue to follow the probation set by the Arizona Board of Pharmacy.

Second: Richard Tomasso

Action: Passed unanimously.

24. Date and Location of Next Scheduled Board Meeting:

January 12-13, 2022 – Las Vegas, NV

25. Public Comment December 2 2021, 5:00 PM

There was no public comment.

26. Adjournment